

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

SONIA HERNANDEZ, FREDDY
HERNANDEZ JR.,

Defendants.

4:14CR3114

ORDER

Defendant Freddy Hernandez Jr. has moved to continue the trial currently set for June 16, 2015. (Filing No. 68). As explained in the motion, the defendant needs additional time to appeal the findings and recommendation on his motion to suppress, to make travel arrangements, and to prepare for trial. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Freddy Hernandez Jr.'s motion to continue, (Filing No. 68), is granted.
- 2) Defendant Freddy Hernandez Jr.'s objection to the findings and recommendation on his motion to suppress, (Filing No. 64), shall be filed on or before June 22, 2015.
- 3) **As to both defendants**, the trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on August 17, 2015, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) Based upon the showing set forth in the defendant Freddy Hernandez Jr.'s motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to both**

defendants, the additional time arising as a result of the granting of the motion, the time between today's date and August 17, 2015, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

June 2, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge